

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:02CV544-1-V  
3:00CR27-V

TONY LAVETTE LITTLE )

Petitioner, )

v. )

UNITED STATES OF AMERICA, )

Respondent. )

**ORDER**

**THIS MATTER** comes before the Court on its own motion.

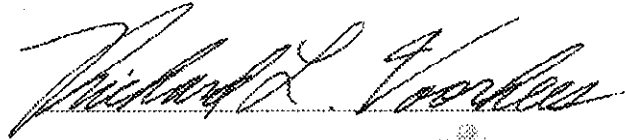
On December 30, 2002, Petitioner filed a motion to vacate, set aside, or correct sentence. Among other things, Petitioner asserted that his counsel had failed, despite his request, to file a direct appeal. On January 21, 2003, this Court granted in part and denied in part Petitioner's motion to vacate. In that same Order this Court ordered that the Petitioner's criminal judgment be vacated and that the Clerk prepare a new criminal judgment with the same sentence and conditions from which the Petitioner could appeal. The Court also ordered that counsel be appointed to assist Petitioner in pursuing a direct appeal. After learning that due to an administrative error no counsel was ever appointed to assist Petitioner with his direct appeal, this Court reentered judgment again on October 13, 2004. It has come to this Court's attention that again counsel was never appointed for the purpose of filing Petitioner's notice of appeal.

**THEREFORE, IT IS HEREBY ORDERED** that:

1. Petitioner's criminal judgment is vacated;

2. The Clerk is directed to prepare a new criminal judgment with the same sentence and conditions; and
3. The Clerk is directed to file a notice of appeal on Petitioner's behalf.

Signed: June 23, 2006

A handwritten signature in black ink, appearing to read "Richard L. Voorhees", written over a horizontal dotted line.

Richard L. Voorhees  
United States District Judge

